THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.26467 of 2005

ORDER:

This writ petition is filed seeking a Mandamus declaring the proceedings of the third respondent-Revenue Divisional Officer dated 20.6.2003 as confirmed by the second respondent-Joint Collector vide proceedings dated 2.4.2005 and further confirmed by the first respondent-District Collector dated 16.10.2005 as arbitrary and illegal.

The petitioner is a fair price shop dealer of Narasanna Mukundapuram village, Kanchili mandal, Srikakulam district. It appears that in response to a press clipping dated 24.10.2002 published in Eenadu daily, the Mandal Revenue Officer, Kanchili enquired into the allegations made against the fair price shop dealer and submitted a report stating that *'87 cardholders gave their statement against the fair price shop dealer, whereas only 15 cardholders accepted their statements for continuation of the same dealer'* and requested the third respondent to initiate disciplinary case. Based on the said enquiry report, the third respondent passed impugned order dated 20.6.2003 cancelling the authorisation of the petitioner.

In this regard, no show cause notice was issued to the petitioner. The order passed by the third respondent dated 20.6.2003 does not indicate any specific or particular allegation made against the petitioner, which was enquired into or was proved by any acceptable evidence. The petitioner offered his explanation stating that the allegations levelled in the paper clippings are only because of local politics. The report of the Mandal Revenue Officer does not indicate whether he has conducted any enquiry as to the irregularities committed by the petitioner. As per the report of the Mandal Revenue Officer, most of the cardholders have no confidence on the petitioner and further if the petitioner resumes back,

there will be an agitation again as was done previously before the Mandal Revenue Officer's office. Assuming the said averments to be true, third respondent passed the impugned order cancelling the authorisation of the petitioner. It is most unfortunate that the third respondent passed such an order, which was confirmed by respondents 1 and 2 in a mechanical manner. Further, in the teeth of the language imported into the impugned order, it does not stand scrutiny of law and therefore, the same is liable to be set aside.

For the aforesaid reasons, the impugned proceedings of the third respondent-Revenue Divisional Officer dated 20.6.2003 as confirmed by the second respondent-Joint Collector vide proceedings dated 2.4.2005 and further confirmed by the first respondent-District Collector dated 16.10.2005 does not stand to legal scrutiny and liable to be set aside and accordingly set aside. The respondents are directed to restore the authorisation of the petitioner with immediate effect.

The writ petition is accordingly allowed. No order as to costs.

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C.V.RAMULU, J

Date: 14.9.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.26467 of 2005

14.9.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.26467 of 2005

Dated: 14th September, 2006

Between:

Isuru Adinarayana

.. Petitioners

and

The District Collector,
Srikakulam & others.

.. Respondents